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mlyIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED
HARRISBURG, PA

JUL 06 2000

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

GAIL GALLOWAY

Plaintiff

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE, *et al.*,

Defendants

No. 1:00-CV-00649

Judge Rambo

Magistrate Judge Smyser

MOTION FOR AN ENLARGEMENT OF TIME IN WHICH TO FILE
A BRIEF IN SUPPORT MOTION TO DISMISS FILED ON BEHALF
OF DEFENDANTS PENNSYLVANIA BOARD OF PROBATION
AND PAROLE, JOSEPH SMITH, DANIEL ROBERTS, GEORGE
JOHNSON, ARTHUR THOMAS, K. SCOTT ROY, THOMAS RIDGE,
WILLIAM WARD, SHARON BURKS, SETH MENDELSON, FRED
JACOBS, NEIL MECHLING AND JAMES MORGAN

Defendants Pennsylvania Board of Probation And Parole, Joseph Smith, Daniel Roberts, George Johnson, Arthur Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan, by their attorneys, ask the Court for two additional days to file a brief in support of their motion to dismiss. In support they supply the following information.

1. The Complaint consists of 63 pages of allegations concerning a total of seventeen defendants.
2. Although they were not served with summonses, defendants Pennsylvania Board of Probation And Parole, Joseph Smith, Daniel Roberts, George Johnson, Arthur Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan filed a motion to dismiss on June 21, 2000.

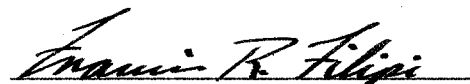
3. That motion listed eight grounds for dismissing the thirteen moving defendants that need to be addressed in their brief.
4. Because of other obligations defense counsel has been unable to complete the brief.
5. Although plaintiff will not concur in this motion, defendants submit that as no trial date has been set, a short enlargement of time, limited to two working days, will not prejudice plaintiff or the Court.

WHEREFORE, defendants Pennsylvania Board of Probation and Parole, Joseph Smith, Daniel Roberts, George Johnson, Arthur Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan request until Monday, July 10, 2000, to file the brief in support of their motion to dismiss.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



FRANCIS R. FILIPI
Senior Deputy Attorney General
Attorney ID# 18630

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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DATE: June 21, 2000

Counsel for Defendants Pennsylvania
Board of Probation And Parole, Joseph
Smith, Daniel Roberts, George Johnson,
Arthur Thomas, K. Scott Roy, Thomas
Ridge, William Ward, Sharon Burks, Seth
Mendelsohn, Fred Jacobs, Neil Mechling
and James Morgan

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Plaintiff

v.

PENNSYLVANIA BOARD OF
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Defendants

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No. 1:00-CV-00649

Judge Rambo

Magistrate Judge Smyser

CERTIFICATE OF NONCONCURRENCE

I, FRANCIS R. FILIPI, hereby certify that concurrence in the Motion for an Enlargement of Time in Which to File a Brief in Support of the Motion to Dismiss Filed on Behalf of Defendants Pennsylvania Board of Probation and Parole, Joseph Smith, Daniel Roberts, George Johnson, Arthur Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan was sought from plaintiff but that he would not concur. Counsel for Hon. William Caldwell and for District Attorney Robert B. Stewart, III, were contacted and both concur in said motion. Lastly, as Mr. Charles B. Giornesto is unavailable by telephone, his concurrence or nonconcurrence in said motion can not be obtained.


FRANCIS R. FILIPI

DATED: July 6, 2000

IN THE UNITED STATES DISTRICT COURT
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Plaintiff

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Defendants

No. 1:00-CV-00649

Judge Rambo
Magistrate Judge Smyser

CERTIFICATE OF SERVICE

I, FRANCIS R. FILIPI, Senior Deputy Attorney General, hereby certify that on this date I caused to be served copies of the foregoing Motion for an Enlargement of Time in Which to File a Brief in Support of the Motion to Dismiss Filed on Behalf of Defendants Pennsylvania Board of Probation and Parole, Joseph Smith, Daniel Roberts, George Johnson, Arthur Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan, by depositing a copy in the United States Mail, postage prepaid, first class, in Harrisburg, PA, addressed to each of the following:

Peter McManamon, Esq.
200 Penn Street
P.O. Box 383
Huntingdon PA 16652

Counsel for District Attorney Robert B. Stewart, III

Gail Galloway
R.D. #1, Box 30
Petersburg, PA 16669

Plaintiff

Anne K. Fiorenza, Esq.
Assistant U.S. Attorney
U.S. Attorney's Office
228 Walnut Street, Suite 217
Harrisburg, PA 17108

Counsel for Hon. William Caldwell

Charles B. Giornesto
11393 Raystown Rd.
Saxton, PA 16678-8054

Defendant


FRANCIS R. FILIPI
Senior Deputy Attorney General

DATED: July 6, 2000